



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jeffery D. Snell

Serial No.: 10/016,225

Examiner: K. Schaetzle

Filed: 10/19/2001

Art Unit: 3762

Docket No.: A01P1068

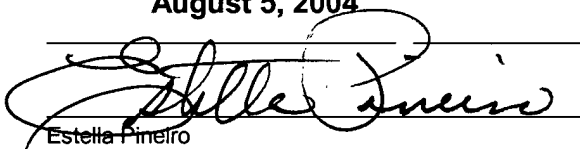
For: METHOD AND APPARATUS TO BACKUP, UPDATE AND SHARE
DATA AMONG IMPLANTABLE CARDIAC STIMULATION DEVICE
PROGRAMMERS

DECLARATION UNDER 37 CFR 1.131

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
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P.O. Box 1450
Alexandria, VA 22313-1450, on:

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 5, 2004

 8/5/04

Estella Pinheiro Date

Sir:

I, **Jeffery D. Snell**, declare that:

- 1) I am the sole inventor of the above-identified patent application.
- 2) I conceived of the invention, in the United States of America prior to September 24, 2001 (the filing date of the application from which U.S. Patent No. 6,480,743 matured), as evidenced by the following:
 - a) prior to September 24, 2001, I submitted a description of the invention on an invention disclosure form to the Legal Department (see **Exhibit A (with date redacted)**);
 - b) prior to September 24, 2001, a draft patent application was sent to the Legal Department by the drafting attorney, Daniel Mallery, Esq. (see **Exhibit B (with date redacted)**);

c) prior to September 24, 2001 I personally reviewed the draft patent application, and returned it with comments to the drafting attorney for final revision. (see **Exhibit C (with date redacted)**); and

d) on September 13, 2001, a final version of the patent application was sent to the Legal Department by the drafting attorney, (see **Exhibit D**);

e) a U.S. Patent Application based upon the invention disclosure was filed with the United States Patent Office on October 19, 2001.

3) The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

8/4/2004
Date

Jeffery D. Snell

ALL-PURPOSE ACKNOWLEDGEMENT

State of California)
County of Los Angeles)

On August 4, 2004, before me, CHERYL MERCY, Notary Public, personally appeared Jeffery D. Snell, personally known to me ~~OR proved to me on the basis of satisfactory evidence~~ to be the person ~~whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.~~

Witness my hand and official seal.

Signature of Notary



ST. JUDE MEDICAL

CARDIAC RHYTHM MANAGEMENT DIVISION

INVENTION DISCLOSURE

FOR PATENT GROUP USE ONLY:

DOCKET NUMBER: A00E 1079

DATE RECEIVED: _____

RECEIVED BY: Bea Muller

TYPE, EMAIL an electronic copy and submit a **WITNESSED** original (signed in BLUE INK) of this invention disclosure form as soon as you have made an invention. If you have any questions, consult the Patent Department and/or the "Guidelines for Drafting Invention Disclosures" (see <http://ussyin01/patents/patent/disclo-1.doc>).

1. **TITLE OF INVENTION:** Method and apparatus to backup, update and share data in implantable device programmers (i.e. Programmer HotSync, plus some)

2. **PROBLEM TO BE SOLVED:** Briefly describe the purpose or problem your invention is trying to solve, including any background, rationale or state-of-the-art information.

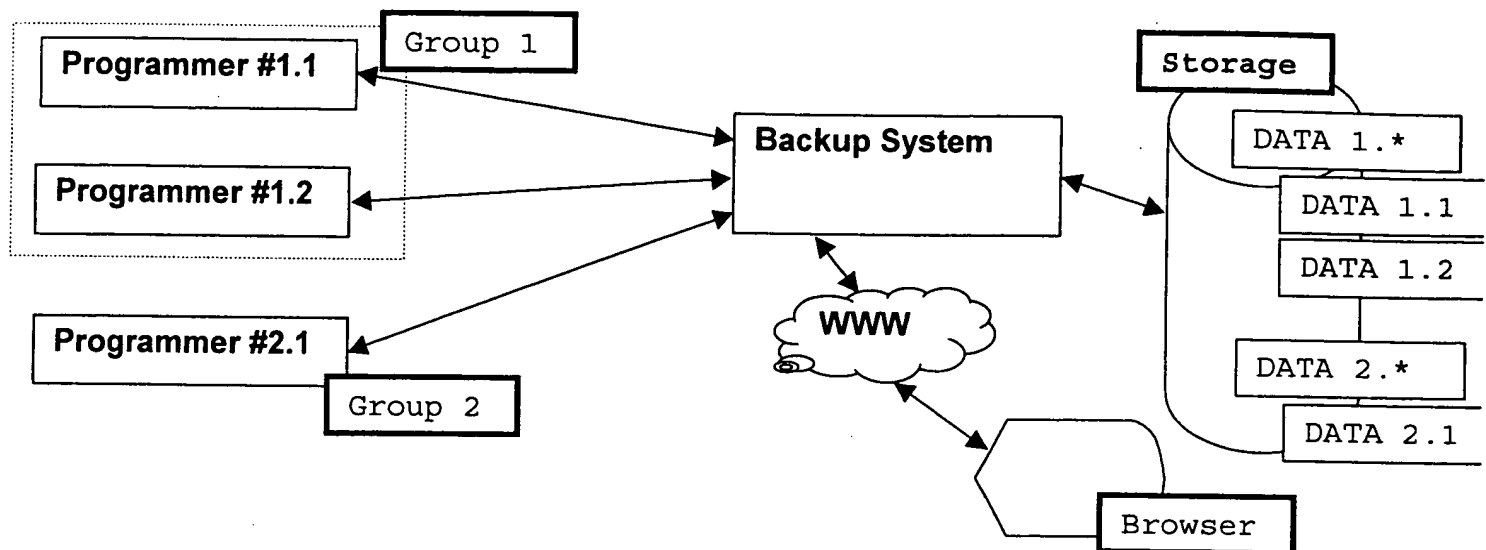
Implantable device programmers contain set-up and configuration data that is entered by the user as well as data that is collected in the process of operating the programmer. For example, there is data in the programmers that define user preferences in how automatic follow-ups should be performed and there is data that is automatically collected about the devices that are interrogated and programmed.

It is desirable that this data be saved so that if the programmer should become inoperative then this data can be loaded into a replacement programmer or reloaded into the same programmer after repairs are made.

Also, when there is more than one programmer in a particular clinic or hospital it is desirable that a portion of the data in all the programmers be shared so that the configuration and internal data is kept consistent in all the programmers. In this way, the set-up of all the programmers in a clinic will be set-up the same way. In addition, if one programmer is used to perform a follow-up on a particular device on one occasion, with data saved internally about that follow-up, it would be desirable that the data in all programmers in that clinic be updated to reflect all of the information about programming and follow-up of that device. In this way if another programmer is subsequently used to follow-up or program that same device then this second programmer will have the complete history of follow-ups and programming in its internal memory.

Another aspect of this invention is management and update of the configuration and set-up data as well as collection and review of the internal data. One method of management and update would be to simply collect data from all programmers and then update the data for all programmers in a particular group with the newest data obtained. This has the advantage that any changes that are made are automatically and systematically propagated to all the programmers in any given group. This means, however, that to review or update this data requires that one get physical access to one of the programmers in the group. An alternative (and the invention should address both configurations) would be to provide access to the configuration and set-up data via the system used

to perform the back-up and update. If this back-up and update system were accessible via the world wide web, with appropriate security, then the configuration and set-up for any programmer or group of programmers could be reviewed by people who do not have immediate physical access to the programmers. For example, the sales representative or field clinical engineer could review and update the set-up and configuration data from any computer connected to the internet. Then any updates would automatically be propagated to the programmer or programmers (if a group) at the next back-up/update session. Access to internal data that is back-up up from the programmers could also be accessed in this way. Furthermore, access to data about specific devices outside of a programmer group could be facilitated, with appropriate controls, for cases where a patient is traveling and needs to see a physician while away from home.



3. DESCRIPTION OF THE INVENTION: In the space below, include a narrative, *functional* description providing an overview of what the invention covers. Attach additional sheets which will provide a complete and concise description of your invention, including: for electrical cases, flow chart(s) describing the algorithm(s) and an electrical block diagram and/or a detailed schematic; for mechanical cases, drawings of all embodiments; and for all cases, a narrative description of what is shown in the drawings. Identify the number of attachments: 0 pages.

This system consists of programmers and a backup system with storage. The programmer communicate with the backup system via any communications scheme (direct connect serial, parallel, local area net, modem, or via the internet by modem, direct connect or wireless means.)

Each programmer has a unique ID and an optional Group ID which identifies it as a member of a group of programmers. This is used to control how data is saved in the backup system and how data is distributed back to the programmers. Programmers in the same group share some of their data.

The programmers have internal storage with configuration and set-up data. The programmers also collect data as they are used. The programmers may be continuously connected to the backup system or may be intermittently connected via dial-up or user action (inserting a plug, etc.) At various times, either automatic or user initiated, the programmers will establish communication with the backup system and transmit new and updated data to the backup system. The backup system will merge the data with any existing data and save the data for the individual programmer and for the programmer group. Then the backup system will send the merged data back

to the programmer - ideally just the updated or new portions of the data needed to bring the programmer storage "up to date."

The data in the storage of the backup system can be viewed and edited using a browser via the internet. If data is changed then it will be updated in the appropriate programmers at the next backup connection to the appropriate programmers.

Means to address simultaneous updates - newest data is always used, or conflicts are flagged and the programmer keeps it's data with a message to the user stating that data conflicts were noted. Then a browser can be used to access the data in the backup system to resolve the conflict.

4. List advantages and novel features below:

- a) Programmer internal data is saved so that it can be restored.
- b) Programmers in a group can share data.
- c) Programmer data can be viewed and updated remotely.

- 5. Planned uses:** (a) This invention will be used in the following products: not currently planned
(b) This invention could be used in the following products: APS 3500 and beyond
(c) Clinical or pre-clinical evaluation is scheduled for: none

6. Engineering Documentation:

- (a) The invention is described on pages: none of Notebook No: none
- (b) Successful test results, if any, were recorded where: none
- (c) The invention is currently ☐ in research, ☐ in animal testing, or ☐ in product development.

7. Conception: Was the invention conceived based on research presented at a convention?

Specify: ☐ NASPE ☐ ACC ☐ AHA ☐ Cardiotim ☐ World Pacing Symposium ☐ Other _____

8) Public Disclosures:

a) Has there been any "public disclosure" of this invention to anyone outside of St. Jude Medical CRMD?

If "YES", complete the following:

NO

i) **Type of Disclosure:** ☐ publication, ☐ patent, ☐ sale, ☐ public use, or ☐ verbal disclosure

ii) **Date of Disclosure:** _____

iii) **Topic or Title:** _____

b) Has there been and/or will there be a **written publication or oral presentation** describing this invention?

If "YES", complete the following:

NO

i) **Type of document :** ☐ technical paper ☐ abstract ☐ poster ☐ Other _____

ii) **Specify:** ☐ NASPE ☐ ACC ☐ AHA ☐ Cardiotim ☐ World Pacing Symposium
☐ Journal ☐ Other _____

iii) Has a manuscript been accepted for publication at the time of the disclosure?

NO

iv) Anticipated publication or presentation date _____

IDENTIFICATION OF CONTRIBUTOR(S): Please list each person who has CONTRIBUTED TO THE CONCEPTION of the invention.

1. Name Jeffery D. Snell Tel. Ext. 2264 Citizenship USA

Residence 352 Medea Creek Lane Oak Park Ventura CA 91377

Street City County State Zip

Signature [Signature] Date _____ Supervisor G. Bornzin

(Sign in Blue Ink)

2. Name _____ Tel. Ext. _____ Citizenship _____

Residence _____

Street City County State Zip

Signature _____ Date _____ Supervisor _____

(Sign in Blue Ink)

3. Name _____ Tel. Ext. _____ Citizenship _____

Residence _____

Street City County State Zip

Signature _____ Date _____ Supervisor _____

(Sign in Blue Ink)

4. Name _____ Tel. Ext. _____ Citizenship _____

Residence _____

Street City County State Zip

Signature _____ Date _____ Supervisor _____

(Sign in Blue Ink)

5. Name _____ Tel. Ext. _____ Citizenship _____

Residence _____

Street City County State Zip

Signature _____ Date _____ Supervisor _____

(Sign in Blue Ink)

WITNESSES: I have READ and UNDERSTOOD the attached invention, and/or the invention has been explained to me.

Signature of Witness [Signature] Date _____

(Sign in Blue Ink)

Signature of Witness [Signature] Date _____

(Sign in Blue Ink)

DANIEL C. MALLERY

ATTORNEY AT LAW

7095 HOLLYWOOD BLVD., #653
HOLLYWOOD, CA 90028

PHONE/FACSIMILE: 323-876-8943
EMAIL: DCM100@WGN.NET

VIA PRIORITY MAIL

Estella Pineiro
Executive Patent Secretary
ST. JUDE MEDICAL
Cardiac Rhythm Management Division
15900 Valley View Court
Sylmar, California 91342

Re U.S. Patent Application for:
*Method And Apparatus To Backup, Update And Share Data Among Implantable
Cardiac Stimulation Device Programmers*
Your docket No: A00E 1079
My docket No.: STJUD-P036

Dear Estella:

Enclosed is a draft patent application for the above-identified invention along with a PC-formatted disk containing an MS WORD version of the patent application.

I appreciate the opportunity to be of service in this matter. Please do not hesitate to contact me if you have any difficulty accessing the file on the disk.

Best Regards,



Daniel C. Mallery, Esq.

Enclosures: Patent Application
Disk

Daniel C. Mallery, Esq.
7095 Hollywood Blvd., #653
Hollywood, CA 90028

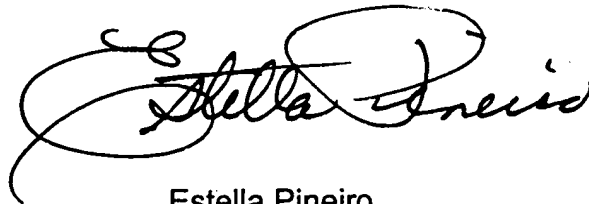
Re: Revisions to Draft Patent Application entitled
METHOD AND APPARATUS TO BACKUP, UPDATE
AND SHARE DATA AMONG IMPLANTABLE CARDIAC
STIMULATION DEVICE PROGRAMMERS
Docket No. A00E1079

Dear Dan:

Jeff Snell has completed his review of the above-identified draft patent application. Accordingly, enclosed is the red-lined draft with his changes/comments. If you have any questions regarding the changes, please feel free to contact him directly on x-2264.

Thank you for your help in this matter.

Sincerely yours,



Estella Pineiro
Executive Patent Secretary

/ep
Enclosures

DANIEL C. MALLERY

ATTORNEY AT LAW

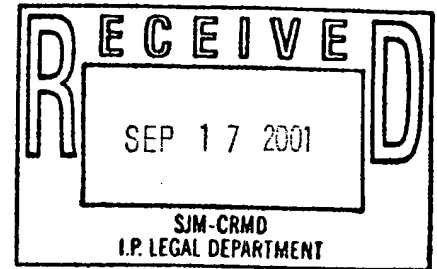
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PHONE/FACSIMILE: 323-876-8943
EMAIL: DCMALLERY@TELOCITY.COM

September 13, 2001

VIA PRIORITY MAIL

Mr. Derrick Reed, Esq.
ST. JUDE MEDICAL
Cardiac Rhythm Management Division
15900 Valley View Court
Sylmar, California 91342



Re U.S. Patent Application for:
*Method And Apparatus To Backup, Update And Share Data Among Implantable
Cardiac Stimulation Device Programmers*
Your docket No: A00E 1079
My docket No.: STJUD-P036

Dear Derrick:

Enclosed is a revised, final version of the patent application for the above-identified invention along with informal drawings.

The application has been revised in accordance with comments provided by Jeff Snell and his careful review of the application is greatly appreciated.¹

Also enclosed is a PTO-1449 form listing references cited in the patent application. It is my understanding that your department has copies of each of the references and so no copies are provided herewith. Let me know if you need copies of any or all of the references.

¹ All substantive comments and corrections provided by Jeff Snell were incorporated. Additionally, Jeff had indicated that all reference numerals and figure labels should be removed from the specification and drawings. However, in view of the requirement that all elements of drawings be identified by reference numerals and that all figures be labeled, these further changes could not be adopted.

DANIEL C. MALLERY

ATTORNEY AT LAW

Page 2

A PC-formatted disk containing an MS WORD versions of the patent application and PTO-1449 form are also enclosed.

I appreciate the opportunity to be of service in this matter.

Best Regards,



Daniel C. Mallery, Esq.

Enclosures: Patent Application
PTO 1449 Form
Disk